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UNITED SYNTES DEPARTMENT OF COMMERCE

Patent and Trademark Office
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weeks anarray of here something I do Manual of Patent Examining Procedure, Section 713.04 Substance of Interview must Be Made of Record

A complete written statement as to the substance of any face-to-face or telephone interview with regard to an application must be made of record in the application, whether or not an agreement with the examiner was reached at the interview.

\$1.133 Interviews

(b) In every instance where reconsideration is requested in view of an interview interview as warranting favorable action must be <u>filled</u> by the applicant. An interview	with an examiner, a complete written statement of the reasons presented at the vides not remove the necessity for response to Office action as specified in §§
1.111.1.135. (35 U.S.C.132)	the personal attendance of

§ 1.2. Business to be transacted in writing. All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively approxims or ment automore or agents at the reacht and trademant. Office, so the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of PERSONAL WEIGHT OF

Examiners must complete a two-sheet carbon interleaf interview Summary Form for each interview held after January 1, 1978 where a matter of substance has patentability. been discussed during the interview by checking the appropriate boxes and filling in the blanks in near handwritten form using a ball point pen. Discussions regarding been discussed outring the interview by checking the appropriate boxes and thing in the branks in near nandwritten form using a pair point pen. Discussions regarding only proceedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures W No Charl

The Interview Summary Form shall be given an appropriate paper number, placed in the right hand portion of the file, and listed on the "Contents" liston the file wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the duplicate copy of the Form is removed and given wrapper. The docket and serial register cards need not be updated to reflect interviews. In a personal interview, the copy is mailed to the applicant's correspondence to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephonic interview, the copy is mailed allowance or if other circumstances address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances address either with or prior to the method to method the method to method the method to the total communication. dictate, the Form should be mailed promptly after the telephonic Interview rather than with the next official communication. concerns as you or tenorism as a simulation of the

The Form provides for recordation of the following information:

- -Serial Number of the application
- -Name of applicant
- -Name of examiner
- -Date of interview
- Type of Interview (personal or telephonic)
- Name of participant(s)) (applicant, attorney or agent, etc.)
- -An indication whether or not an exhibit was shown or a demonstration conducted

- -An identification of the specific prior art discussed

 An identification whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy

 of amondment of the specific prior art discussed of amendments or claims agreed as being allowable). (Agreements as to allowability are tentative and do not restrict further action by the examiner to the contrary.)
- -The signature of the examiner who conducted the interview
- Names of other Patent and Trademark Office personnel present.

The Form also contains a statement reminding the applicant of his responsibility to record the substance of the interview. It is desireable that the examiner orally remind the applicant of his obligation to record the substance of the Interview in each case unless both applicant and It is desireable that the examiner orany remind the applicant or his obligation to record the substance of the interview or when it is adequately recorded on the examiner will record same. Where the examiner agrees to record the substance of the interview or when it is adequately recorded on the examiner will record same. Where the examiner agrees to record the substance of the interview or when it is adequately recorded on the Form of in an attachment to the Form, the examiner should check a box at the boltom of the Form informing the applicant that he need not supplement the Form of in an attachment to the Form, the examiner should check a box at the boltom of the Form informing the applicant that he need not supplement the Form of the Fo submitting a separate record of the substance of the interview.

It should be noted, however, that the Interview Summary Form with not normally be considered a complete and proper recordation of the interview unless it includes,

It should be noted, nowever, that the interview summary room with not normally be considered a complicate and proper reconduction in a mineral with a supplemented by the applicant or the examiner to include, all of the applicable frems required below concerning the substance of the interview:

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 2) A brief description of the nature of any exhibit shown or any demonstration conflected. To the claims discussed.

 2) an identification of the claims discussed.

 3) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the interview Summary an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the interview Summary Form completed by the examiner.
 - 5) a brief identification of the general thrust of the principal arguments presented to the examiner. The identification of arguments need not be lengthy of elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature
 - or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course; the applicant may desire to or thrust of the principal arguments made to the examiner can be unuerstood in the context of the examiner, emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner, emphasize and fully describe those arguments which he feels were or might be persuasive to the examiner, and the examiner of the indication of any other pertinent matters discussed, and the examiner of the indication of the indication of the interview unless already described in the interview Stimmary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete or, accurate, the examiner, will give the applicant one month from the date of the notifying letter or the remainder of any period for response, whichever is longer, to complete the response and thereby avoid applicant one month from the date of the nonlying retter of the remainder of any period for response, whichever is longer, to complete the response and thereby avoid abandonment of the application (37, CFR 1.135(c).) for the industrial of the specific series of the control of the specific series o

Applicant's summary of what took place at the interview should be carefully checked to determine the accuracy of any argument or statement attributed to the examiner during the interview. It there is an inaccuracy and it bears directly on the question of patentability, it should be pointed out in the next Office letter. If the claims are allowable for other reasons of record, the examiner should send a letter setting forth his or fier version of the statement attributed to him. If the record is complete and accurate, the examiner should place the indication "Interview record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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